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Yellowstone River Basin water reservatio

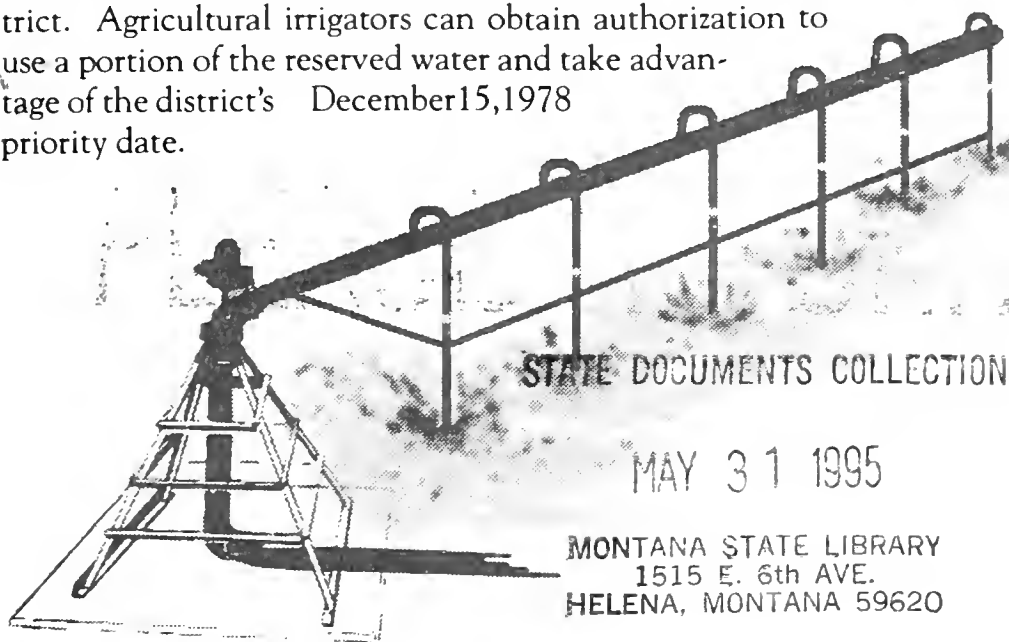


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YELLOW RIVER BASIN WATER RESERVATIONS

IRRIGATION WATER AVAILABLE FOR YOU!

Conservation Districts in the Yellowstone River Basin are protecting an agricultural water right for you! Increased competition for Montana's water has made it necessary to protect water for future agricultural development. Each Conservation District in the Yellowstone Basin holds a water reservation that can be used by individuals within the district. Agricultural irrigators can obtain authorization to use a portion of the reserved water and take advantage of the district's priority date. December 15, 1978



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WHAT ARE YELLOWSTONE RIVER BASIN WATER RESERVATIONS?

Large industrial applications for water use permits in the early 1970's threatened future water supplies for traditional uses of water in the Yellowstone Basin. So, after extensive public hearings, on December 15, 1978, the Montana Board of Natural Resources and Conservation granted water reservations to numerous public entities within the Yellowstone River Basin. Fourteen Conservation Districts in the basin received a combined water reservation of 548,186 acre-feet for future agricultural irrigation. This water was reserved to ensure that an adequate supply of

water would be available for future agricultural expansion in the Yellowstone River Basin.

Use of reserved water will not infringe on any of the water rights decreed as a result of the state-wide adjudication process. A holder of a provisional water right permit for irrigation with a priority date after December 15, 1978, may have the permit transferred into the reservation system after approval by the Conservation District and the Board of Natural Resources and Conservation.

WHAT IS THE MAIN ADVANTAGE OF USING RESERVED WATER?

Users of reserved water obtain a December 15, 1978 priority date. Because of the earlier priority date, new Yellowstone River Basin irrigators who use water reserved by their Conservation District can expect a more certain supply for their crops than other new water appropriators.

WHAT ARE ACCEPTABLE USES OF RESERVED WATER?

Reserved water may be used only for agricultural irrigation purposes, except in Little Beaver Conservation District where water is also available for stockwater and recreation ponds.

WHICH USES HAVE PRIORITY - IRRIGATION, MUNICIPAL, OR INSTREAM FLOW?

The highest priority is municipal use. Cities and towns that received water reservations for municipal use have priority over all other reserved water rights. For all reserved water users *below* the mouth of the Big Horn River, and including the watershed of the Bighorn River, the district's reservations have priority over the instream flow reservations. *Above* the mouth of the Big Horn River, the instream flow reservations have priority over the district's reservations.

WHO ADMINISTERS THE YELLOWSTONE AGRICULTURAL WATER RESERVATIONS?

The agricultural water reservation is a water right held by the Conservation District. It is the district's responsibility to administer its water

reservation. District policy provides for the wise utilization, development, and conservation of its reserved water for the maximum benefit of the people in the district and with the least possible damage to the natural aquatic environment.

WHAT PROTECTION IS THERE FOR A RESERVED WATER USER'S RIGHT?

The water right for the entire reservation is in the name of the Conservation District. A water user receives an authorization or permit in their name from the district for the right to use a portion of the water. This authorization is a legal document granting authorization to use a portion of the district's reserved water. Legally, this is the same as when an individual obtains a permit from the Department of Natural Resources & Conservation (DNRC) to use water.

According to Montana state law, Board of Natural Resources and Conservation order, and district policy, the authorization cannot be arbitrarily taken away from a water user. A reserved water user has the same protection against losing that right as does a user holding a permitted water right. Both the district and the water user must adhere to certain rules regarding the water reservation. These rules are based on state statutes, board rules, and district administrative procedures, and may be reviewed at your Conservation District office.

HOW DO I APPLY FOR RESERVED WATER?

You apply to your local Conservation District to obtain authorization to use a portion of the district's reserved water right. You must complete an *Application for Reserved Water Use*. The form is available at your local Conservation District office. Speculative applications are not allowed.

WHAT INFORMATION IS REQUIRED ON THE APPLICATION?

The reserved water use application requires that the applicant provide the following information for the proposed irrigation development: (1) legal land descriptions of point of diversion and place of use, (2) source of water, (3) number of acres to be irrigated, (4) flow and volume of water to be used, (5) period of water use, and (6) a detailed map of the project.

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WHAT ARE THE SOURCES OF RESERVED WATER?

This table shows the sources of reserved water in the Yellowstone River Basin.

<u>Cons. Dist.</u>	<u>Water Source</u>
Big Horn CD	Bighorn River
Carbon CD	Yellowstone River, Clark Fork River, & other tributaries of the Yellowstone. Rock Creek & Red Lodge Creek by storage reservoirs only
Custer Co. CD	Yellowstone River & Powder River
Dawson Co. CD	Yellowstone River
Little Beaver CD	O'Fallon Creek, Pennel Creek, Cabin Creek, & their tributaries
Park CD	Yellowstone River. Shields River & southern Park County tributaries by storage reservoirs only
Powder River CD	Powder River
Prairie Co. CD	Yellowstone River and Powder River
Richland Co. CD	Yellowstone River
Rosebud CD	Yellowstone River
Stillwater CD	Yellowstone & Stillwater Rivers & other tributaries of the Yellowstone
Sweet Grass Co. CD	Yellowstone River and southern tributaries of the Yellowstone. Sweet Grass Creek & Big Timber Creek by storage reservoirs only
Treasure Co. CD	Yellowstone River & Bighorn River
Yellowstone CD	Yellowstone River

HOW LONG DOES THE APPLICATION PROCESS TAKE?

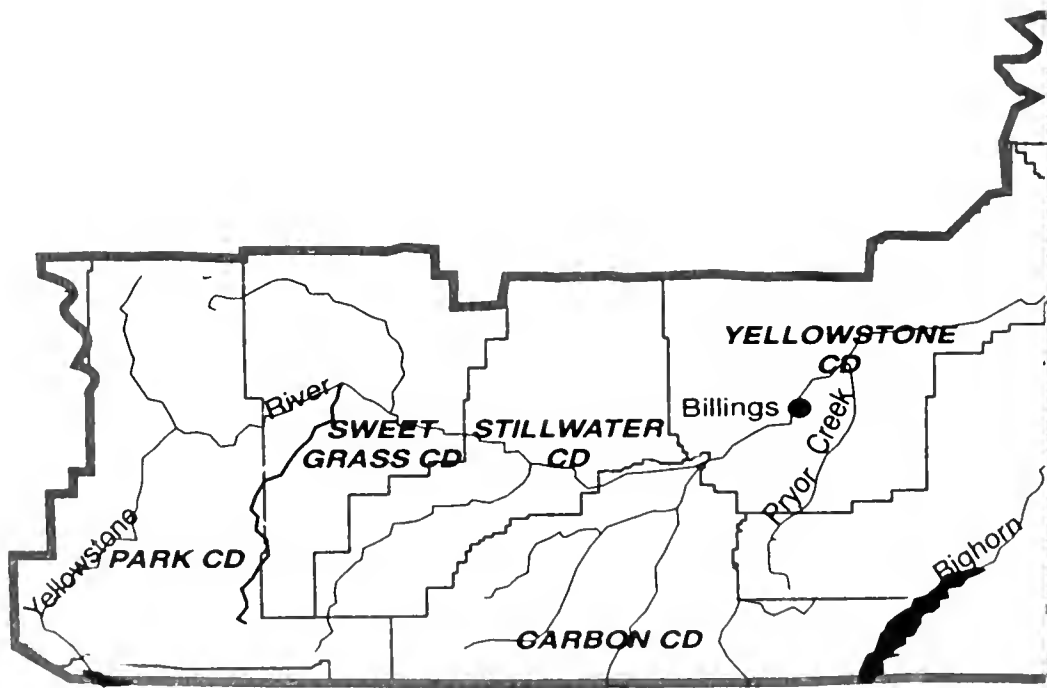
The entire application, review, and approval process can take from four to nine months. Obtaining a *Beneficial Water Use Permit* from DNRC, typically takes from four to six months. The reason that the reserved water use application process can take up to nine months in some cases is a “variance” may be needed from DNRC. Your Conservation District is responsible for obtaining a variance when an application for reserved water use involves a change in the district’s general reserved water development plan or the water reservation. The applicant is not directly involved in obtaining a variance, but will need to pay an additional \$100 filing fee for the variance if it is required.

FOR MORE INFORMATION CONTACT:

Department of Natural Resources and Conservation
1520 East Sixth, P.O. Box 202301, Helena, MT 59620-2301,
Phone (406) 444-6668, or P.O. Box 276, 5 North Prairie, Miles City, MT 59301, Phone (406) 232-6359.

Date due

APR 30 1997



HOW MUCH IS THE APPLICATION FILING FEE?

Big Horn CD	\$ 25.00	Prairie County CD	\$ 50.00
Carbon CD	\$ 100.00	Richland County CD	\$ 25.00
Custer County CD	\$ 40.00	Rosebud CD	no charge
Dawson County CD	\$ 25.00 *	Stillwater CD	\$ 100.00
Little Beaver CD	\$ 25.00	Sweet Grass Co. CD	\$ 50.00
Park CD	\$ 40.00	Treasure County CD	no charge
Powder River CD	\$ 50.00 **	Yellowstone CD	\$ 100.00

* Plus an additional \$.25 per acre-foot over 99 acre-feet
** Plus an additional \$.05 per acre-foot over 100 acre-feet

These are 1995 fees, they are subject to change. An additional \$100 filing fee will be needed if a variance is required.

**YELLOWSTONE RIVER
BASIN**

